UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,110	07/03/2001	Tomonori Nishio	1110-0287P	9253

			EXAMINER
2292	7590	11/17/2006	QIN, YIXING

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/897,110	NISHIO ET AL.
	Examiner	Art Unit	
	Yixing Qin	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 September 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 July 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413)
                                          Paper No(s)/Mail Date. _____.
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application
3)☐ Information Disclosure Statement(s) (PTO/SB/08)   6)☐ Other: _____.
    Paper No(s)/Mail Date _____.

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 9/22/05, all requested changes have been entered.

Response to Arguments

The 112 rejection from the previous office action has been overcame with the amendments made and are withdrawn. A new rejection has been made. Please see the detailed rejection below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I.   Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Akiba et al (U.S. Patent No. 6,559,967).

Regarding claims 1 and 5, Akiba discloses an image processing apparatus comprising:

an image data processing section for executing at least one image processing

operation with respect to digital image data (Fig. 2, item 4); and

a condition setting section comprising (Fig. 5)

a set-up subsection for automatically setting initial values for image processing

conditions for the at least one image processing operation (Fig. 1, item 170 – note that

in Fig. 5, there are initial or default values for copier as seen), and

a set value changing subsection (Fig. 5, item 626) for selecting a plurality of changed

values for image processing conditions for the at least one image processing

operation from among plural levels or plural combinations which are of typically

preset image processing conditions for the at least one image processing operation

(column 7, line 66-67), and changing the initial values for of said image processing

conditions into the changed values for the said selected plurality of image processing

conditions. (column 7, lines 66 - column 8, line 9).

Claim 5 has the additional feature of an output apparatus. The copier of Akiba is

an output apparatus.

Regarding claims 2 and 6, Akiba discloses said at least one image processing

operation includes any one of a sharpness processing operation, a gradation

processing operation, a density processing operation, a color processing operation, a

shielding-print processing operation, a partial correction processing operation, a

logogram/character- synthesizing process operation, and an edging process operation;

(Fig. 13 shows the screen that comes up when one presses key 626 in Fig. 5 for the

operation mode. Fig. 13 discloses sharpness correction) and

said image processing conditions include conditions selected from at least

one of the group consisting of execution/no execution, strong/weak, and deep/light of

one image processing operation. (One can simply hit the close button in Fig. 13 for the

processing to not occur or can hit the cancel button to cancel selected operations such

as the ones selected in Fig. 15-26)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

II.   Claims 3, 4 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Akiba et al (U.S. Patent No. 6,559,967) and in view of Usami et al (U.S. Patent No.

6,785,814).

Regarding claims 3 and 7, the Akiba et al reference discloses methods for the

copying of digital image data.

It does not explicitly disclose "an embedding section for embedding said changed

values of said plurality of image processing conditions into output image data which

has been processed based on said changed values of said plurality of image processing

conditions."

However, Usami discloses in column 18, lines 51-65 how various information can

be embedded into the image data.

Akiba and Usami are combinable because both are in the art embedding

information in image data.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have included a method for embedding print conditions in image

data.

The motivation would have been to allow a machine or user to tell what kind of

processing a certain image has been through.

Therefore, it would have been obvious to combine Akiba and Usami to obtain the

invention as specified.

Regarding claims 4 and 8, the Akiba et al reference discloses methods for the

copying of digital image data.

It does not explicitly disclose "an image processing condition coding section for

encoding said plurality of image processing conditions in batch mode; and wherein

said image data processing section performs said at least one image

processing operation based on coded information which said plurality of image

processing conditions is coded in the batch mode."

However, Usami discloses in column 18, lines 51-65 how various information can be embedded into the image data. In column 19, lines 7-15, discloses how the information is used in printing an image.

Akiba and Usami are combinable because both are in the art embedding information in image data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a method for embedding print conditions in image data and to use the information to print an image.

The motivation would have been to allow a machine or user to tell what kind of processing is needed.

Therefore, it would have been obvious to combine Akiba and Usami to obtain the invention as specified.

Regarding claim 9 , the Akiba et al reference discloses methods for the copying of digital image data. Usami discloses the use of database.

They do not explicitly disclose "a database which registers there into both a film identification number and image processing conditions with respect to an image photographed on a photographic film corresponding to said film identification number. "

However, Usami discloses in column 16, lines 45-61 the use of a search information Kn for finding images.

Akiba and Usami are combinable because both are in the art embedding information in image data.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have included a method for identifying images in a database

The motivation would have been to allow a user to retrieve the proper image for

printing.

Therefore, it would have been obvious to combine Akiba and Usami to obtain the

invention as specified.

Regarding claim 10, the Akiba et al reference discloses methods for the copying

of digital image data. Usami discloses the use of database.

They do not explicitly disclose " wherein said database is to further register

information related to a customer in connection with the image processing conditions

as to a printing order of said customer. "

However, Usami discloses in column 19, lines 7-28 that customer processing

conditions can be embedded into the images and, as mentioned before, the images are

stored in a database.

Akiba and Usami are combinable because both are in the art embedding

information in image data.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have included a method for relating customer conditions to an

image.

The motivation would have been to allow users to properly process their own

images.

Therefore, it would have been obvious to combine Akiba and Usami to obtain the invention as specified.

Regarding claim 11, the Akiba et al reference discloses methods for the copying of digital image data. Usami discloses the use of a plurality of database.

They do not explicitly disclose "wherein said database is connected to a plurality of other databases via a communication network, whereby the image processing conditions related to said customer, which is saved in said other databases, can be utilized based on the information related to said customer.

However, Usami discloses in column 19, lines 7-28 that customer processing conditions can be embedded into the images and, as mentioned before, the images are stored in a database.

Akiba and Usami are combinable because both are in the art embedding information in image data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a method for relating customer conditions to an image.

The motivation would have been to allow users to properly process their own images.

Therefore, it would have been obvious to combine Akiba and Usami to obtain the invention as specified.

II.   Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Akiba et al (U.S. Patent No. 6,559,967) in view of Suzuki (U.S. Patent No. 6,072,916)

and further in view of Usami et al (U.S. Patent No. 6,785,814).

         Regarding claim 12, Akiba discloses an image processing apparatus for

performing at least one image processing operation with respect to digital image data,

said image processing apparatus comprising:

         a data processing section; (Fig. 2, item 4)

         It does not explicitly disclose :

         "a Log converter;

         a prescan memory;

         a fine scan memory, wherein the data processing section and the Log converter

are operatively connected to the prescan memory and the fine scan memory;

         a prescan data processing section, wherein the prescan data processing section

is operatively connected to the prescan memory;

         an image processing condition coding subsection for encoding the image

processing conditions in batch mode in response to customized requests from a

customer,"

         However, Suzuki discloses in column 4, lines 18-19 the idea of log conversion

using a LUT 34. Suzuki discloses in column 5, lines 19-27 the use of prescan and fine

scanning and memories for storing the information obtained. See also Fig. 1 for how all

the parts are connected. The idea of the batch mode has been addressed in claims 4

and 8 above.

Akiba and Suzuki are combinable because both are in the art of obtaining

scanned data for printing.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have used a prescan and fine scan memories.

The motivation would have been to allow efficient processing of scanned image

data.

Therefore, it would have been obvious to combine Akiba and Suzuki to obtain the

invention as specified.

Akiba further discloses a condition setting section, wherein said condition

setting section comprises:

a set-up subsection for automatically setting initial values for image processing

conditions for the at least one image processing operation, (Fig. 1, item 170 – note

that in Fig. 5, there are initial or default values for copier as seen),

a set value changing subsection (Fig. 5, item 626) for selecting a plurality of new

image processing conditions for the at least one image processing operation from

among plural levels or plural combinations of typically preset image processing

conditions for the at least one image processing operation (column 7, line 66-67), and

changing the initial values for image processing conditions into changed values for the

selected plurality of new image processing conditions; (column 7, lines 66 - column 8, line 9) and

a fine scan data processing section, wherein the changed values from the set value changing subsection are sent to the fine scan data processing section for executing the at least one image processing operation. (Fig. 2, item 170)

Claim 13 has the additional feature of an output apparatus. The copier of Akiba is an output apparatus.

Regarding claim 14, Akiba discloses a method for creating a photoprint with a digital photoprinter, which comprises:

inputting an image to an image input apparatus; (column 5, lines 46-49)

outputting digital image data corresponding to the image from the image input apparatus to an image processing apparatus; (column 5, lines 46-49)

performing at least one image processing operation (Fig. 13) with respect to the digital image data with the image processing apparatus, wherein the performing of the at least one image processing operation apparatus further comprises,

automatically setting initial values for image processing conditions for the at least one image processing operation with a set-up subsection of the image processing apparatus, (Fig. 1, item 170 – note that in Fig. 5, there are initial or default values for copier as seen)

It does not explicitly disclose "encoding the image processing conditions in batch mode in response to customized requests from a customer with an image processing condition coding subsection of the image processing apparatus,

However, Usami discloses in column 18, lines 51-65 how various information can be embedded into the image data. In column 19, lines 7-15, discloses how the information is used in printing an image.

Akiba and Usami are combinable because both are in the art embedding information in image data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a method for embedding print conditions in image data and to use the information to print an image.

The motivation would have been to allow a machine or user to tell what kind of processing is needed.

Therefore, it would have been obvious to combine Akiba and Usami to obtain the invention as specified.

Akiba further discloses selecting a plurality of new image processing conditions for the at least one image processing operation from among plural levels or plural combinations of typically preset image processing conditions for the at least one image processing operation, (column 7, line 66-67) and

changing the initial values for image processing conditions into changed values

for the selected plurality of new image processing conditions with a set value changing

subsection of the image processing apparatus. (column 7, lines 66 - column 8, line 9).

Regarding claim 15, Akiba discloses further comprising sending the changed

values from the set value changing subsection to a fine scan data processing section

for executing the at least one image processing operation. (Fig. 2, item 170)

Regarding claim 16, Akiba discloses further comprising outputting image data

output from the fine scan data processing section to an image output apparatus. (Fig. 2

discloses a printer)

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yixing Qin whose telephone number is (571)272-7381.

The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ

TWYLER LAMB
SUPERVISORY PATENT EXAMINER